

**SEEGER WEISS LLP**

Stephen A. Weiss  
sweiss@seegerweiss.com  
One William Street  
New York, NY 10004  
Tel: 212-584-0700  
Fax: 212-584-0799

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Defendant.

District Court Case No. Civ. 08-10791

Adv. Pro. No. 08-01789 (BRL)

**NOTICE OF APPEARANCE AND  
DEMAND FOR SERVICE OF DOCUMENTS**

**PLEASE TAKE NOTICE** that the undersigned appears in the above-captioned case on behalf of Lewis Franck, creditor and party-in-interest, pursuant to Rules 2002 and 9010(b) of the Federal Rules of Bankruptcy Procedure and section 1109(b) of the Bankruptcy Code, and demands that all notices given or required to be given and all papers served in this case be delivered to and served upon the parties identified below at the following address:

**SEEGER WEISS LLP**  
One William Street  
New York, NY 10004  
Attn: Stephen A. Weiss  
Email: sweiss@seegerweiss.com

**PLEASE TAKE FURTHER NOTICE** that pursuant to section 1109(b) of the Bankruptcy Code, the foregoing demand includes not only the notices and papers referred to in the above-mentioned Bankruptcy Rules, but also includes, without limitation, all orders, applications, motions, petitions, pleadings, requests, complaints or demands, whether formal or informal, written or oral, transmitted or conveyed by mail delivery, telephone, facsimile or otherwise, in this case.

This Notice of Appearance and any subsequent appearance, pleadings, claim or suit is not intended nor shall be deemed to waive Creditor's: (i) right to have final orders in non-core matters entered only after *de novo* review by a district court judge; (ii) right to trial by jury in any proceedings so triable herein any case, controversy or proceeding related hereto; (iii) right to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; and (iv) other rights, claims, actions, defenses, setoffs or recoupments to which Creditor is or may be entitled under agreements, in law, or in equity, all of which rights claims, actions, defenses, setoffs, and recoupments expressly are hereby reserved.

Dated: New York, New York  
January 26, 2009

**SEEGER WEISS LLP**

By: /s/ Stephen A. Weiss  
Stephen A. Weiss  
sweiss@seegerweiss.com  
One William Street  
New York, NY 10004  
Tel: 212-584-0700  
Fax: 212-584-0799

*Attorneys for Creditor*

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**CERTIFICATE OF SERVICE BY ELECTRONIC MEANS**

I, Stephen A. Weiss, one of the attorneys for Lewis Franck, hereby certify that on,  
January 26, 2009, service of the foregoing Notice of Appearance and Demand for Service of  
Documents was accomplished pursuant to ECF as to Filing Users and I shall comply with LR 5.5  
as to the parties listed below and serve via First Class Mail.

Office of the United States Trustee  
33 Whitehall Street, Suite 2100  
New York, NY 10004

/s/ Stephen A. Weiss

Stephen A. Weiss